

PUBLIC NOTICE

08-01

AQUATIC RESOURCE ALTERATION PERMITS

**TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538
Fax # 865-594-5253**

ISSUE DATE February 8, 2007

EXPIRATION DATE March 10, 2007

TO WHOM IT MAY CONCERN: Enclosed are current public notices of permit applications, notice of individual permit decisions, and/or announcement of public hearings or meetings. Public comment and participation are encouraged on all of these issues.

The applications described herein have been submitted for Aquatic Resource Alteration Permits under *The Tennessee Water Quality Control Act of 1977*, T.C.A. §69-3-108. In addition, federal permits may be required from the U. S. Army Corps of Engineers or from the Tennessee Valley Authority under §404 of the *Clean Water Act* and §26a of the *Tennessee Valley Authority Act*, respectively. Section 401 of the *Clean Water Act* requires that an applicant obtain a water quality certification from the state when a federal permit is required. This notice may cover applications subject to §401 or navigation permitting (Rule 1200-04-08).

The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on a proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and /or copying at the department's mining section.

Interested persons may also request in writing that the department hold a public hearing on an application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a hearing in accordance with Rule 1200-4-1-.04(4)(f).

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws. In making this decision, a determination will be made regarding the potential lost value of the resource compared to the value of any proposed mitigation. The department shall consider practicable alternatives to the alteration. The department shall also consider loss of waters or habitat, diminishment in biological diversity, cumulative or secondary impacts to the water resource, and adverse impact to unique, high quality, or impaired waters.

The Tennessee Department of Environment and Conservation is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

PUBLIC NOTICE

PERMIT APPLICATION: NR07MS.018

APPLICANT: Vulcan Construction Materials, LP
1410 Donelson Pike, Airpark II, Ste. B-19
Nashville, TN 37217

LOCATION: Stoners Creek in Davidson County near Hermitage, Tennessee at 36°11'13" latitude, and 86°36'50" longitude.

WATERSHED DESCRIPTION: The stream is a tributary to the Stones River. The stream is located in the Outer Nashville Basin ecoregion. Land development and sanitary sewer, collection system failure are listed impacts to Stoner's Creek. Reaches of the existing stream channel adjacent to the Hermitage Quarry periodically develop sinkholes that convey water from Stoners Creek into the quarry pit. Vulcan Construction Materials, LP, has been plugging these sinkholes under ARAP permit M2002-05 that expired January 31, 2008.

PROJECT DESCRIPTION: Vulcan Construction Materials, LP, has applied for an Individual Aquatic Resource Alteration Permit to succeed ARAP permit M2002-05.

The permit application proposes to maintain existing plugs to sinkholes in Stoners Creek adjacent to the Hermitage Quarry and to seal new sinkholes as they are identified. The ARAP reach extends from the Stoners Creek crossing on Old Hickory Avenue for approximately 500' downstream. The sinkholes are to be sealed with a non-toxic polyurethane grout. If the sinkholes in Stoner Creek are small (less than 1'-2' diameter) Vulcan Construction Materials, LP, will inject the grout using hand labor. At large sinkholes, a contractor with specialized equipment will inject the polyurethane grout. If it becomes necessary to access the stream with equipment, access will be limited to one discrete access point with appropriate sediment and erosion controls. When a sinkhole is identified, Vulcan Construction Materials, LP, will install a rock deflector to divert the energy of the surface flow away from the mouth of the sinkhole. The rock deflector is to be left after the sinkhole is plugged to provide aquatic habitat and prevent scour of the seal. The sinkhole will be coffered with sandbags to separate stream flow from the sinkhole work area during grouting. The polyurethane grout will be injected to refusal by the sinkhole. After the grout has set, the sandbag coffer, any excess grout materials and any resulting debris will be removed.

USGS TOPOGRAPHIC QUADRANGLE: Hermitage Quad 311 NE

Permit Coordinator: Dave Turner

No decision has been made whether to issue or deny this permit. The purpose of this notice is to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. Persons wishing to comment on the proposal are invited to submit written comments to the department. Written comments must be received within **thirty days of the date that this notice is posted**. Comments will become part of the public record and will be considered in the final decision. The applicant's name and permit number should be referenced.

Interested persons may also request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, and the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the department will hold a public hearing.

The permit application, supporting documentation including detailed plans and maps, and related comments are available for review and /or copying by appointment during business hours at the following address:

ATTN: Kimberley Reardon (865-594-6035)
TN DEPT OF ENVIRONMENT & CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
MINING SECTION
3711 MIDDLEBROOK PIKE
KNOXVILLE, TN 37921-6538

In deciding whether to issue or deny a permit, the department will consider all comments of record and the requirements of applicable federal and state laws.